

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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JOHN DAVID PAMPLIN,

Plaintiff,

v.

R. BAKER, *et al.*,

Defendants.

Case No. 3:20-cv-00043-MMD-CLB

ORDER

Pro se Plaintiff John David Pamplin brings this action under 42 U.S.C. § 1983. Before the Court is the Report and Recommendation (“R&R”) of United States Magistrate Judge Carla L. Baldwin (ECF No. 55), recommending that the Court grant Defendants’ motion for summary judgment (ECF No. 43). Plaintiff had until November 29, 2022 to file an objection. To date, no objection to the R&R has been filed. For this reason, and as explained below, the Court adopts the R&R in full and grants Defendants’ motion.

Because there is no objection, the Court need not conduct *de novo* review and is satisfied Judge Baldwin did not clearly err. *See United States v. Reyna-Tapia*, 328 F.3d 1114, 1116 (9th Cir. 2003) (“De novo review of the magistrate judges’ findings and recommendations is required if, but *only* if, one or both parties file objections to the findings and recommendations.”) (emphasis in original). Here, Judge Baldwin recommends granting Defendants’ motion because Defendants have met their initial burden to establish that both of Plaintiff’s Eighth Amendment claims are time-barred based on the applicable two-year statute of limitations, and Plaintiff has failed to come forward with any evidence to create an issue of fact on this defense and meet his burden on summary judgment. (ECF No. 55 at 8.) The Court agrees with Judge Baldwin. Having reviewed the R&R and the record in this case, the Court will adopt the R&R in full.

1 It is therefore ordered that Judge Baldwin's Report and Recommendation (ECF
2 No. 55) is accepted and adopted in full.

3 It is further ordered that Defendants' motion for summary judgment (ECF No. 43)
4 is granted.

5 The Clerk of Court is directed to enter judgment in Defendants' favor and close this
6 case.

7 DATED THIS 5th Day of December 2022.

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MIRANDA M. DU
11 CHIEF UNITED STATES DISTRICT JUDGE
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